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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

S. PARKER CONSTRUCTION, INC., a
Utah corporation, dba BARRY
PARKER CONSTRUCTION,

2:08-CV-1439 JCM (GWF)

Date: N/A
Time: N/A

Plaintiff,

V.

SUNTEX HOMES, LLC., et al.,

Defendants.

ORDER

17 Presently before the court is fourth-party plaintiff S. Parker Construction, Inc.’s (“Parker”)
18 motion to dismiss fourth-party complaint against fourth-party defendant Michael J. Lichtie without
19 prejudice. (Doc. # 90). No opposition has been filed.

20 Upon further reading of the present motion, it appears to be what is an incorrectly titled
21 voluntary dismissal. In its motion, plaintiff states that “the only claims remaining in this action are
22 S. Parker’s fourth-party claims as contained in its [f]ourth-[p]arty [c]omplaint against [f]ourth-[p]arty
23 [d]efendant, Michael Lichtie, who is appearing in proper person. However, S. Parker is desirous of
24 dismissing its [f]ourth-[p]arty [c]omplaint against Mr. Lichtie without prejudice and hereby
25 respectfully moves this [c]ourt to grant its instant [m]otion in this regard.” (Doc. # 90, p. 4). Thus,
26 the court will treat the present motion as a voluntarily dismissal of defendant Lichtie, and hereby
27 grants it.

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1 || Accordingly,

2 IT IS HEREBY ORDERED ADJUDGED AND DECREED plaintiff's motion to voluntarily
3 dismiss defendant Michael J. Lichtie (doc. # 90) be, and by the same hereby is, GRANTED.

4 DATED this 9th day of August, 2011.

James C. Mahan
UNITED STATES DISTRICT JUDGE